

REMARKS

The Applicant respectfully requests reconsideration and Allowance of Claims 1, 3-18 and 20-21 in view of the above amendments and following arguments.

35 U.S.C. §103 (a) REJECTION

Claims 1, 9, and 18 were rejected under 35 U.S.C. §103(a) as obvious in view of Schmid (U.S. Patent No. 5,748,810) in further view of Tang et al.[i.e. Z. Tang, O. Eknayan, and H. F. Taylor, "Polarisation-Independent Electro-Optically Tunable Wavelength Filter in LiTaO₃," Electron. Lett. 30, 1758-1759(1994)].

STATUS OF THE CLAIMS

Claims 2 and 19 have been canceled.

Claims 10-17 stand allowed.

Claims 2-8 and 19-21 stand objected.

Claims 1, 9, and 18 stand rejected.

Claims 1, 3-18 and 20-21 remain pending in this case.

CLAIMS 1, 3-18 and 20-21 ARE ALLOWABLE IN ACCORDANCE WITH THE OFFICE ACTION

In accordance with the Office Action, the Examiner has held that dependent claims 2-8 and 19-21 were rejected as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dependent claim 2 has been canceled and its limitations added to independent claim 1 thus accomplishing what the Office Action required and rendering independent claim 1 allowable in accordance with the Office Action along with the remaining dependent claims 3-9 that depend from amended claim 1.

Likewise, dependent claim 19 has been canceled and its limitations added to independent claim 18 thus accomplishing what the Office Action required and rendering independent claim 18 allowable in accordance with the Office Action along with the remaining dependent claims 20 and 21 that depend from amended claim 18.

Thus, Applicants respectfully submit that Independent claims 1 and 18 are allowable as amended in accordance with the Office Action along with dependent claims 3-9 and 20-21, respectively, and in addition to previously allowed claims 10-17.

CONCLUSION

In light of the above, Applicants respectfully request reconsideration and allowance of Claims 1, 3-18 and 20-21. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney.

Applicants intend this to be a complete response. No fee is believed due; however if a fee is due, please charge deposit account No. 19-1453 (TAMUS 105-674)

Respectfully submitted,

SHAFFER & CULBERTSON, L.L.P.

Date: 8 MAR 04

By: 

J. Nevin Shaffer, Jr., Reg. No. 29,858
Russell D. Culbertson, Reg. No. 32,124
913 Gulf Breeze Parkway, Suite 43
Gulf Breeze, Florida 32561
850-934-4124

ATTORNEYS FOR APPLICANT

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 8 MAR 04
Reg. No. 29,858, J. Nevin Shaffer, Jr.

